

ARTICLE VI. - TREE PROTECTION^[6]

Sec. 42-196. - Intent.

- (a) The city deems it necessary and desirable in the interest of public health, safety and welfare to enact an ordinance for the preservation, planting and replacement of trees and to prevent the indiscriminate removal of trees and reduction of canopy cover within the city. It is the intent of this article that all site development, residential, commercial, and industrial, be undertaken with a survey of trees on the portion of land proposed for development and the final placement of the buildings, structures, roads, utilities and other features minimizes the removal of significant trees on the property and to recognize the importance in preserving, protecting and planting of trees for:
- (1) Aiding in the prevention of erosion and sedimentation;
 - (2) Reducing storm water runoff;
 - (3) Aiding in removing carbon dioxide and other harmful contaminants;
 - (4) Generating oxygen into the atmosphere; and
 - (5) Enhancing the quality of life and welfare for current and future citizens of the city.

(b) *Definitions.*

Buffer. Open space, landscaped areas, natural vegetation or undisturbed areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use of property from another so as to visually shield lights or other nuisances.

DBH. Diameter at breast height is a standard measure of tree size and is a tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, then the trunk is measured at its most narrow point beneath the split.

Preferred tree. See list of preferred trees in [section 42-198](#).

Significant tree. Any healthy tree, excluding pine trees and Sweet Gums, with a dbh of 24 inches or larger and Live Oaks with a dbh of 18 inches or larger.

Tree fund. An account, maintained by the finance department of the city, of funds contributed from developers as a form of alternative compliance to the Pooler Tree Ordinance. Funds from the tree fund are to be used solely to fund tree planting and landscaping projects within the city as authorized by the public works director.

Tree protection zone. The area surrounding a preserved or planted tree that is essential to that tree's health and survival, and is protected within the guidelines of this article.

(Ord. of 12-20-2004, § 2)

Sec. 42-197. - Minimal tree coverage.

- (a) Residential tree requirement—A residential lot shall have a minimum of three preferred trees, of which one shall be located in the front of the residence. All trees preserved on a residential lot must be protected and nurtured until final inspection and approval of improvements by the city building official.
- (b) Multi-family, commercial and industrial requirement—The minimum allowable post development tree coverage for all development sites shall be 15 existing trees (excluding pine trees and Sweet Gums), eight-inch

diameter at breast height (dbh) and larger per acre developable land (excluding buffers and wetlands). Each tree with a diameter of 24 inches dbh or larger (Live Oak with a dbh of 18 inches or larger) must be designated on the landscape plan and may count as five trees towards meeting the minimum allowable coverage. Each tree with a diameter of 36 inches dbh or larger (Live Oak with 30 inches dbh or larger) must also be designated on the landscape plan and may count as ten trees towards meeting the minimum allowable coverage.

(Ord. of 12-20-2004, § 2)

Sec. 42-198. - Significant trees.

While all types of trees are protected under this article, special emphasis is placed on the preservation of large trees and certain more valued species listed in this section. The highest priority shall be given to the preservation of trees with a diameter at breast height (dbh) of 24 inches or larger (Live Oaks with 18 inches or larger), excluding pine trees or Sweet Gums. Removal of these valued trees can only be permitted by the city planning and zoning commission during the site and landscape plan review process. If a significant tree is to be removed, the planting of new trees of the same species, or preferred species if the same species is not available, totaling the same number of inches in diameter will be required. Replacement trees shall have a minimum dbh of six inches.

- (1) Preferred tree list for residential development—American Holly, Birch, Cypress, Dogwood, Hickory, Live Oak, Magnolia, Maple, Pecan, Sycamore, Walnut, Willow, Drake Elm, Bosque Elm, and Alee Elm.
- (2) Preferred tree list for multi-family, commercial, public institutional or industrial development—American Holly, Birch, Cypress, Hickory, Live Oak, Maple, Palm (greater or equal to eight-inch dbh), Sycamore, Walnut, Willow, Drake Elm, Bosque Elm, and Alee Elm.

(Ord. of 12-20-2004, § 2)

Sec. 42-199. - Replacement.

If site design alternatives cannot achieve the minimum allowable existing tree coverage, or where pre-development tree coverage is less than the prescribed minimum, the developer will be required to plant the minimum required number of hardwood trees no less than two-inch dbh and a minimum height requirement of eight feet. The trees to be planted must be preferred hardwoods that conform to the American Standard for nursery stock. Planted or relocated trees should be appropriately placed so as to enhance the overall landscaping of the site. All trees planted or relocated on the site must be protected and nurtured until final inspection and approval of improvements by the city building official.

- (1) *Residential tree replacement.* A residential lot shall have a minimum of three preferred trees, of which one shall be located in the front of the residence. All trees planted or relocated on a residential lot must be protected and nurtured until final inspection and approval of improvements by the city building official.
- (2) *Multi-family, commercial and industrial tree replacement.* Any tree required to meet minimum tree coverage requirements that is lost after 12 months of final approval by the city building official shall be replaced with a two and one-half-inch dbh tree of the same type. If a significant tree is lost subsequent to development and before final inspection by the city building official, it shall be replaced according to this section.
- (3) *Commercial and industrial hardship alternative.* Based on the type of development proposed, the planning and zoning commission may provide an option to the developer which enables him to provide less than the required tree coverage. If the provision is granted, the developer would be required to

monetarily reimburse the city for the unused trees. For each unused tree, the reimbursement should equal 100 percent of the value of a healthy Live Oak with dbh of two inches. This would not apply to significant tree replacement. The city will in turn use the money to fund tree planting and landscaping projects on city property.

(Ord. of 12-20-2004, § 2; Ord. of 3-5-2007, § 1)

Sec. 42-200. - Parking lot island coverage.

In commercial, multi-family, educational or industrial projects, replacement trees should be utilized in landscaped islands throughout the parking area with no more than 12 parking spaces per 400 square feet of landscaped island space. The overall project site must still meet the minimum tree coverage required by this article. A minimum of one preferred tree is required for every 12 parking spaces.

(Ord. of 12-20-2004, § 2)

Sec. 42-201. - Protection zones.

Protection zones should be established and maintained for each tree preserved on a development site. The area within the tree protection zone must be open and unpaved, except where approved pervious pavers may be utilized or tree aeration systems and tree wells are installed. Building materials, vehicles or tools are not permitted to be stored in such protection zones. The protection zone is defined as a circle with a radius of one foot per one-inch dbh extending outwardly from the tree to be protected or the extent of the drip line, which ever is more restrictive. The protective barrier must not be less than four feet in height, be prominent visually and erected completely around the protection zone. The use of orange polyethylene safety fencing or a similar material is required as a minimum. The barrier must remain in place until the developer has been given permission to take it down by the city building official. Underground utility lines shall be routed around and away from tree protection zones. Necessary installation through protection zones shall be accomplished through tunneling rather than cutting open trenches which sever tree roots. Those trees designated for preservation as shown on the approved landscape plan or development site plan shall be marked on-site with a bright blue ribbon encircling the trunks of each tree. The construction plan must clearly state the purpose and reasoning for the blue ribbons to prevent any confusion at the site.

(Ord. of 12-20-2004, § 2)

Sec. 42-202. - Planned developments.

In a planned unit development (PUD), as described in appendix A of this Code, silviculture or selective thinning will be allowed subject to the following conditions:

- (1) An approved preliminary plan or master plan is on file with the city's planning and zoning department.
- (2) In those cases where the property has been zoned a PUD under appendix A of this Code, with an approved preliminary or master plan, the planning and zoning commission shall review the landscape and tree protection plan on the proposed developed property within the master plan and may, in its discretion, balancing all factors pertaining to design and development of the master plan, grant approval or variances to such plan under the minimum tree coverage requirement. Should the planning and zoning commission and the applicant fail to reach an agreement on the proposed plan or variance to this article, then the terms and conditions of this article shall apply.

(Ord. of 12-20-2004, § 2)

Sec. 42-203. - Special conditions and exceptions.

This article shall apply to all new development, except those that meet the following conditions:

- (1) The active playing area of an 18-hole golf course development, including mowed grass rough, water hazards and driving range and practice putting greens;
- (2) Surface mining, as defined by O.C.G.A. § 12-4-72;
- (3) The construction of a single-family residence when constructed by or under contract with the owner for his own occupancy. The owner of the single-family residence, when occupying such residence, can remove trees for his own use provided future subdividing is not planned;
- (4) Maintenance and utility projects (including utility easements) completed by or in part by the city, the state department of transportation and Savannah Electric;
- (5) Those areas in a R-A zone (for agricultural purposes only);
- (6) Removal of diseased or infested trees after verification by a Georgia Forestry Commission Forester, a Georgia Registered Landscape Architect or Registered Arborist;
- (7) Trees located in state right-of-ways.

(Ord. of 12-20-2004, § 2)

Sec. 42-204. - Landscape plan.

The landscape plan should be submitted with the site plan for approval by the city's planning and zoning commission before any land-disturbing is to take place. Each phase of the development must include this landscape plan, which, at a minimum, shall include:

- (1) A tree survey showing the minimum tree coverage as set forth in this article, completed by a state registered land surveyor. If a portion of the tract is not to be disturbed, then a tree survey is not required on that portion;
- (2) A clearing plan completed by a professional to include civil engineers, land surveyors, architects, or landscape architect, showing the location of significant trees to be removed;
- (3) A tree replacement plan and the method of tree protection to be used;
- (4) Areas of the site to be covered with asphalt or concrete;
- (5) If a residential subdivision, a typical lot layout is required showing the minimum tree requirement of three trees per lot;
- (6) Location, size and types of trees, shrubs and groundcover to be planted on the site. Developers are encouraged to incorporate: natural earth forms, native vegetation, dumpster and parking area screening and hidden light sources;
- (7) All trees and landscaped areas shall be provided with a means for delivery of water in a quantity that is sufficient to establish and maintain the viability of the plants;
- (8) In-ground irrigation systems installed which supply water to all newly planted trees and plant material shall result in a 20 percent reduction of the landscape establishment bond;
- (9) A water supply is not required for areas of established trees and other vegetation that are retained for green space, provided that site grading or development activities will not result in damage to said areas.

(Ord. of 12-20-2004, § 2; Ord. of 12-17-2012 , §§ I, II)

Sec. 42-204.1. - Requirements for certificate of occupancy, maintenance and perpetual compliance.

- (a) *Final inspection.* The park and tree superintendent shall make a final inspection of trees and landscaping for completeness prior to issuance of the certificate of occupancy.
- (b) Two-year tree and landscape establishment bond.
 - (1) A two-year tree and landscape establishment bond on a form approved by the city, or escrow account shall be provided to the public works department after the park and tree superintendent approves the trees and landscaping at the final inspection and prior to issuance of the certificate of occupancy. The bond or escrow amount shall be 100 percent of the total landscaping costs (with 20 percent reduction as provided in section 42-204 of this article.) If a bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Georgia and acceptable to the city. At the end of 12 months, an inspection will be scheduled for continued compliance.
 - (2) Two years after the date of the bond, the park and tree superintendent will inspect the site and make a determination of whether the required trees and landscaping are viable, and if so, the city may release the bond or escrow account upon approval by the aldermanic board.
 - (3) The bond or escrow shall remain in force until released by the aldermanic board and shall not automatically expire at the end of 12 months. Bond and escrow forms are available from the office of the city clerk.
- (c) *Perpetual compliance.* After release of the required landscape establishment bond, all sites are required to remain in perpetual compliance with the approved landscape plan and are subject to inspection by the city for this purpose. If deficiencies are found, the owner of the property shall be notified to correct the deficiencies within 90 days. If the deficiencies are not corrected in 90 days, the city will seek administrative or judicial relief, as appropriate.

(Ord. of 12-17-2012, § III; Ord. of 6-5-2017(1), § I)

Sec. 42-205. - Emergencies.

In case of emergencies, such as hurricanes, windstorms, floods, freezes, fires or other disasters, the requirements of these regulations may be waived by the public works director, upon a finding that such waiver is necessary so that public or private work to restore order in the city will not be impeded.

(Ord. of 12-20-2004, § 2)

Sec. 42-206. - Review and appeal.

The mayor and city council shall have the right to review the conduct, acts and decision of the planning and zoning commission related to this article. Any person may appeal any decision or recommendation to the planning and zoning commission to the mayor and city council, who may hear the matter and make the final decision.

(Ord. of 12-20-2004, § 2)

Sec. 42-207. - Violation and penalty.

A violation of the provisions of this article shall constitute an ordinance offense, punishable upon warrant directed to the city municipal court, and upon conviction, shall be punished as provided in section 1-12, and in addition thereto, the violator may be enjoined from continuing the violation. Any unauthorized removal of a protected significant tree, as defined in this article, shall be considered a separate and distinct violation of this article.

(Ord. of 12-20-2004, § 2)

ARTICLE VI.I. - TREE BOARD

Sec. 42-208. - Created and established.

In order to preserve and conserve trees in the city in accordance with existing and future needs, the City of Pooler Tree Board, referred to in this article as the tree board, is created and established.

(Ord. of 3-16-2009, § I)

Sec. 42-209. - Membership.

- (a) The tree board shall consist of five members, appointed by the city council, who have demonstrated an interest in the preservation and conservation of trees in the city. The five members shall consist of representatives from each of the following groups:
- (1) A public utility providing service within the city;
 - (2) A representative of the city working in the zoning department working either in residential, commercial and/or industrial development;
 - (3) A representative who is a landscape or forestry professional; and
 - (4) Two members from the public at large.

All members of the tree board shall serve without compensation, but may be reimbursed for actual expenses incurred in connection with their official duties.

All appointments shall be for a three-year term; except the initial appointments shall be as follows: two members appointed for a three-year term; two members appointed for a two-year term; and one member shall be appointed for a one-year term. The initial term shall be considered a full term under the provisions of this article.

The parks and trees superintendent and public works director shall serve as ex-officio members of the board and are not eligible to cast a vote on issues.

(Ord. of 3-16-2009, § I)

Sec. 42-210. - Conflict of interest.

- (a) *Prohibited.* No member of the tree board shall benefit monetarily or otherwise, either directly or indirectly, from a decision of the tree board. No member of the tree board shall engage in a conflict of interest whereby any member will have an interest in the final decision, determination or judgment of the tree board causing a

conflict between the personal interest of the member and the best interest of the citizens of the city. All members of the tree board are prohibited from benefiting or engaging in a conflict of interest pertaining to any matter which is presented before or decided by the tree board.

- (b) *Removal from board.* When, in the opinion of the city council, any member of the tree board is benefitting or engaging in a conflict of interest regarding matters presented to or decided by the board, such city council shall promptly remove the suspected member from service on the tree board and relieve the suspected member from all official duties connected herewith, *ex parte*.

(Ord. of 3-16-2009, § I)

Sec. 42-211. - Organization; rules.

The tree board shall have the following responsibilities:

- (a) The tree board shall choose its own officers, make its own rules and regulations, establish meeting dates and keep minutes of its proceedings. The tree board rules and regulations shall be approved by the city attorney and a copy shall be forwarded to the city clerk. A majority of the total members shall be a quorum for the transaction of business.
- (b) The tree board shall prepare, or update, annually, a written city-wide "tree master plan" that guides the care, preservation, pruning, planting, replanting, removal or disposition of trees on public lands; such plan shall consider existing and future tree species on public lands or on private lands, as provided in this article or other ordinances; such plan shall be recommended to the city council and upon their acceptance and approval, shall be implemented as the "tree master plan".
- (c) The tree board shall make recommendations to the city manager and the city council.
- (d) The tree board shall act on other matters designated by this chapter or by the city council.

(Ord. of 3-16-2009, § I)

Secs. 42-212—42-240. - Reserved.